



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 05 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7648 6880
RETURN RECEIPT REQUESTED

Ms. Richard C. Painter
Staff Engineer
Environmental, Health and Safety
BorgWarner Transmission Systems, Inc.
700 South 25th Avenue
Bellwood, Illinois 60104

Re: BorgWarner Transmission Systems, Inc.
EPA I.D. No.: ILD005457221

Dear Mr. Painter:

On November 17, 2014, a representative of the U.S. Environmental Protection Agency inspected the BorgWarner Transmission Systems, Inc. facility (BorgWarner) located in Bellwood, Illinois. On March 20, 2015, EPA issued a Request for Information to BorgWarner under Section 3007 of the Resource Conservation and Recovery Act (RCRA). BorgWarner responded in writing to the request on April 21, 2015.

In response to violations of RCRA identified during the inspection and in response to the Request for Information, we issued a Notice of Violation (NOV) to you on October 14, 2015. Subsequent to our NOV, you submitted additional information regarding the identified violations in a written correspondence dated November 5, 2015, and in an email dated December 9, 2015.

Violation 2 of the NOV concerned the content of BorgWarner's contingency plan. EPA has reviewed the revised Emergency Preparedness and Response Plan (contingency plan) submitted by BorgWarner on December 9, 2015, and has determined that BorgWarner is not in compliance with the regulations at 35 Ill. Admin. Code §§ 722.134(a)(4) and 725.152 [40 C.F.R. §§ 262.34(a)(4) and 265.52], regarding the minimum requirement for the content of a contingency plan.

As stated in the NOV, a large quantity generator of hazardous waste must have a contingency plan that includes, among other items:

- A list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment) where this equipment is required.

This list must be kept up to date. **In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities;** and

- An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, **evacuation routes, and alternate evacuation routes** (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

Page nine of Borg Warner's contingency plan contains a spill response equipment list. However, the **location of these items and a brief outline of their capabilities** is not included.

Section 3.1 of the contingency plan presents procedures to follow in the event of a plant evacuation. However, **neither primary nor secondary evacuation routes are included.** Instead, the plan instructs employees to proceed to the nearest, appropriate and safe exit.

According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, which you have taken since receipt to establish compliance with the above contingency plan requirements. You should submit your response to, Todd C. Brown, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions or concerns regarding this matter, please contact Todd Brown, of my staff, at (312) 886-6091, or at brown.todd@epa.gov.

Sincerely,



Margaret M. Guerriero
Director
Land and Chemicals Division

cc: Todd Marvel, Illinois Environmental Protection Agency (todd.marvel@illinois.gov)